



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 1, 2002

Ordinance 14494

Proposed No. 2002-0322.2

Sponsors Sullivan

1 AN ORDINANCE authorizing the vacation of a portion of
2 Preston-North Bend Cut-off Road Revision, (File V-2284).
3 Petitioner: Fred Macks
4
5

6 **STATEMENT OF FACTS**

7 1. A petition has been filed requesting vacation of that portion of
8 Preston-North Bend Cut-off Road Revision hereinafter described.

9 2. The department of transportation notified the various utility
10 companies serving the area and has been advised that utility easements
11 were not required within the vacation area.

12 3. The department of transportation records indicates that King County
13 has not been maintaining Preston-North Bend Cut-off Road Revision.

14 The records indicate that no public funds have been expended for its
15 acquisition.

16 4. The department of transportation considers the subject portion of the
17 right-of-way useless as part of the County road system and believes the

18 public would benefit by the return of this unused area to the public tax
19 rolls.

20 5. The right-of-way is classified as "C-Class" and, in accordance with
21 K.C.C. 14.40.020, the compensation due King County is based on fifty
22 percent of the assessed value of the subject right-of-way which was
23 determined from records of the department of assessments. King County
24 is in receipt of \$2091.00 from the petitioner.

25 Due notice was given in the manner provided by law and a hearing was
26 held by the office of the hearing examiner on August 26, 2002.

27 In consideration of the benefits to be derived from the subject vacation,
28 the council has determined that it is in the best interest of the citizens of
29 King County to grant said petition.

30 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

31 SECTION 1. The council, on the 30th day of September, 2002, hereby vacates and
32 abandons that portion of Preston-North Bend Cut-off Road Revision as conveyed to King
33 County by Quit-Claim Deed recorded in Volume 1585 of Deeds, Page 58, records of
34 King County, Washington described as:

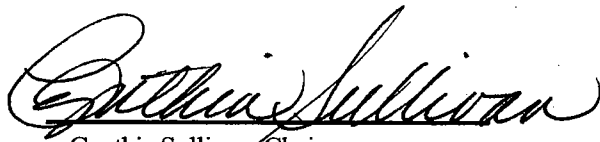
35 That portion of Preston-North Bend Cut-off Road Revision within the
36 northeast quarter of the southwest quarter of Section 3, Township 23

37 North, Range 7 East, W.M., King County, Washington, lying southerly of
38 SR 90.
39

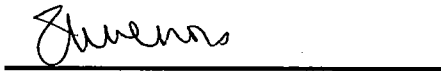
Ordinance 14494 was introduced on 7/22/2002 and passed by the Metropolitan King County Council on 9/30/2002, by the following vote:

Yes: 10 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Mr. Phillips, Mr. McKenna, Mr. Constantine, Mr. Pullen, Mr. Gossett, Ms. Hague and Mr. Irons
No: 0
Excused: 3 - Ms. Lambert, Mr. Pelz and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

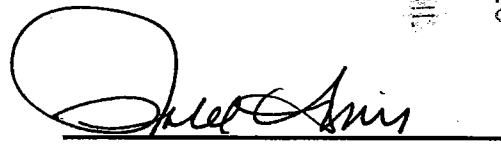

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 10 day of OCTOBER, 2002.


Ron Sims, County Executive

RECEIVED
2002 OCT 11 AM 11:26
CLERK
KING COUNTY COUNCIL

Attachments A. Hearing Examiner report dated September 9, 2002

September 9, 2002

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654**

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2284**
Proposed Ordinance No. **2002-0322**

FRED MACKS
Petition For Road Vacation

Road: Portion of North Bend-Preston Road south of I-90

Petitioner: **Fred Macks**
401-100th Avenue Northeast
Bellevue, WA 98004
Telephone: (425) 462-7894

King County: Department of Transportation
represented by **Jodi Simmons**
901 S. Jackson St.
Seattle, WA 98104
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve road vacation
Department's Final Recommendation:	Approve road vacation
Examiner's Decision:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Petition No. V-2284 was received by the Examiner on August 26, 2002.

V-2284 - Macks

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Petition No. V-2284 was opened by the Examiner at 1:30 p.m. on August 26, 2002, in the Union Bank of California Building, 5th floor conference room, 900 Fourth Avenue, Seattle, then continued administratively until September 9, 2002, for receipt of affidavit of publication, whereupon the record closed.

FINDINGS, CONCLUSIONS & RECOMMENDATIONS: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:1. **General Information:**

Road name and location:	Portion of North Bend-Preston Road south of I-90
Right-of-way classification:	C
Area:	28,740 square feet
Compensation	\$2,091

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the August 26, 2002, public hearing and the statement of facts contained in Proposed Ordinance No. 2002-0322 submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. The petition for this right-of-way vacation is uncontested. A neighboring property owner expressed concern that the approval might lead to commercial development. Exhibit no. 23. It will not.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system and the public will be benefited by its vacation.
2. The notice of hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction,

repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION: APPROVE proposed Ordinance No. 2002-0322 to vacate the subject road.

ORDERED this 9th day of September, 2002.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of September, 2002, to the parties and interested persons of record:

AT&T Broadband
20811 84th Ave. S.
Kent WA 98032

Puget Sound Energy
PO Box 97034
Bellevue WA 98009-9734

Fred Macks
401 - 100th Avenue NE
Bellevue WA 98004

Jodi Simmons
Engineer II
DOT/Road Services
KSC-TR-0231

Greg Borba
DDES/LUSD
MS OAK-DE-0100

Neil DeGoojer
KC Office of Open Space
MS KSC-NR-600

Dennis Gorley
Dept of Transportation
Road Services Division
MS KSC-TR-0231

David Gualtieri
KCDOT
Long Range Planning
MS-KSC-TR-0813

Trish Gustafson
KC Property Services Division
MS ADM-ES-0500

Kristen Langley
DDES/LUSD
Land Use Traffic Review
MS OAK-DE-0100

Roderick E. Matsuno
KC Dept. of Transportation
Road Maintenance Section
MS RSD-TR-0100

Anne Noris
Clerk of Council
Metro . King County Council
MS KCC-CC-1025

Paulette Norman
KCDOT
Roads Division
MS-KSC-TR-0222

Lydia Reynolds-Jones
King County Dept Transportation
Manager/Project Support Services
MS KSC-TR-0231

Charlie Sundberg
Office of Cultural Resources
Landmarks & Heritage Program
MS STR-CR-0200

Joe Wilson
KC Parks & Cultural Resources
Project Manager
MS LBP-PR-0100

Richard & Jean Haas
33128 SE 110th Street
Issaquah, WA 98027

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before September 23, 2002*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before September 30, 2002*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE AUGUST 26, 2002 PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION (DOT) FILE NO. V-2284

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Dennis Gorley and Jodi Simmons, representing the Department.

The following exhibits were offered and entered into the record:

- | | |
|----------------|--|
| Exhibit No. 1 | DOT report to the Hearing Examiner dated July 24, 2002, with 12 attachments |
| Exhibit No. 2 | Petition transmittal letter dated 11/28/95 to Transportation from Clerk of Council |
| Exhibit No. 3 | Letter of explanation and petition for vacation of a County road including legal descriptions legal descriptions of Petitioner's property. |
| Exhibit No. 4 | Copy of filing fee cash transmittal and receipt. |
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| Exhibit No. 6 | 01/27/96 response from Petitioner regarding the revised petition. |
| Exhibit No. 7 | Vicinity Map. |
| Exhibit No. 8 | Map depicting vacation area. |
| Exhibit No. 9 | Quit Claim Deed Volume 1585 Page 58 deeding subject right-of-way to King County. |
| Exhibit No. 10 | 08/26/96 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer. |
| Exhibit No. 11 | Letter dated 09/09/96 to Fred Macks identifying amount of compensation with attached Road Vacation Compensation Worksheet V-2284. |
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- Exhibit No. 19 Proposed Ordinance 2002-0322.
- Exhibit No. 20 Notice of hearing.
- Exhibit No. 21 Affidavit of posting for hearing.
- Exhibit No. 22 Affidavit of Publication for date of hearing.
- Exhibit No. 23 Letter to Jodi Simmons from Richard Haas dated 08/23/92

RST:mls
V-2284 RPT
Attachments

Return Address:
Clerk of the Council
Metropolitan King County Council
Room W 1025 King County Courthouse
Seattle, WA 98104



20021014000215

KING COUNTY CORD 0.00
PAGE 001 OF 009
10/14/2002 09:14
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. **Ordinance 14494 AN ORDINANCE authorizing the vacation of a portion of Preston-North Bend Cut-off Road Revision, (File V-2284) Petitioner: Fred Macks**

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

1. **King County, Washington**

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. _____
2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

That portion of Preston-North Bend Cut-off Road Revision within the northeast ...

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

2002 101 4000215

RECEIVED
2002 DEC -5 PM 2:54
CLERK
KING COUNTY COUNCIL



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 1, 2002

Ordinance 14494

Proposed No. 2002-0322.2

Sponsors Sullivan

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3 Petitioner: Fred Macks
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18 public would benefit by the return of this unused area to the public tax
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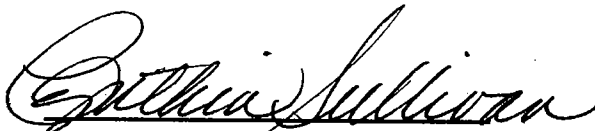
2002 101 4000215

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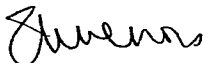
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Excused: 3 - Ms. Lambert, Mr. Pelz and Ms. Patterson

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KING COUNTY, WASHINGTON

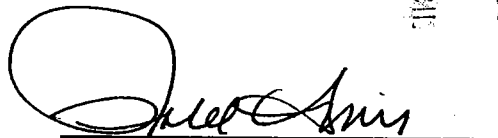

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 10 day of OCTOBER, 2002.


Ron Sims, County Executive

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Attachments A. Hearing Examiner report dated September 9, 2002

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. V-2284
Proposed Ordinance No. 2002-0322

FRED MACKS
Petition For Road Vacation

Road: Portion of North Bend-Preston Road south of I-90

Petitioner: **Fred Macks**
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Bellevue, WA 98004
Telephone: (425) 462-7894

King County: Department of Transportation
represented by Jodi Simmons
901 S. Jackson St.
Seattle, WA 98104
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve road vacation
Department's Final Recommendation:	Approve road vacation
Examiner's Decision:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Petition No. V-2284 was received by the Examiner on August 26, 2002.

2002 101 4000215

PUBLIC HEARING:

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FINDINGS, CONCLUSIONS & RECOMMENDATIONS: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portion of North Bend-Preston Road south of I-90
Right-of-way classification:	C
Area:	28,740 square feet
Compensation	\$2,091

- 2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the August 26, 2002, public hearing and the statement of facts contained in Proposed Ordinance No. 2002-0322 submitted to the King County Council.
- 3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are attachments 1 and 2 to this Report and Recommendation.
- 4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
- 5. The petition for this right-of-way vacation is uncontested. A neighboring property owner expressed concern that the approval might lead to commercial development. Exhibit no. 23. It will not.

CONCLUSIONS:

- 1. The road subject to this petition is useless as part of the King County road system and the public will be benefited by its vacation.
- 2. The notice of hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
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2002 101 4000215

repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION: APPROVE proposed Ordinance No. 2002-0322 to vacate the subject road.

ORDERED this 9th day of September, 2002.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of September, 2002, to the parties and interested persons of record:

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Puget Sound Energy
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Bellevue WA 98009-9734

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Richard & Jean Haas
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Issaquah, WA 98027

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R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Dennis Gorley and Jodi Simmons, representing the Department.

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RST:mls
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